

JOHN L. BURRIS, Esq./ State Bar # 69888  
LAW OFFICES OF JOHN L. BURRIS  
7677 Oakport Street, Suite 1120  
Oakland, CA 94621  
Telephone: (510) 839-5200  
Facsimile: (510) 839-3882  
E-Mail: [John.burris@johnburrislaw.com](mailto:John.burris@johnburrislaw.com)

Attorneys for Plaintiff  
DONOVAN WHITTEN

MICHAEL C. WENZEL, Esq./ SB # 215388  
BERTRAND, FOX & ELLIOT  
2749 Hyde Street  
San Francisco, CA 94109  
Telephone: (415) 353-0999  
Facsimile: (415) 353-0990  
E-Mail: [Mwenzel@bfesf.com](mailto:Mwenzel@bfesf.com)

Attorneys for Defendants  
COUNTY OF ALAMEDA, J. MALIZIA,  
S. TYRRELL and D. TEICHERA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONOVAN WHITTEN,  
  
Plaintiff,

v.

COUNTY OF ALAMEDA; J. MALIZIA;  
S. TYRRELL; D. TEICHERA; and DOES 1-  
15, inclusive,  
  
Defendants.

Case No. C 11-01251 SI

**STIPULATION AND [PROPOSED] ORDER  
CONTINUING MEDIATION COMPLIANCE  
DATE**

Defendants COUNTY OF ALAMEDA, J. MALIZIA, S. TYRRELL and D. TEICHERA and  
plaintiff DONOVAN WHITTEN, by and through their respective attorneys of record, hereby stipulate as  
follows:

1           1.     The parties appeared for an initial case management conference on August 5, 2011.  
2 Pursuant to this Court's Pretrial Preparation Order dated August 10, 2011, the following discovery and  
3 dispositive motion deadlines were set:

- 4           (A)    Disclosure of Expert Witnesses and Expert Reports to be served by 4-20-12;  
5           (B)    Disclosure of Rebuttal Expert Witnesses to be served by 5-11-12;  
6           (C)    Non-Expert Discovery to be completed by 03-16-12;  
7           (D)    Expert Discovery to be completed by 05-31-12;  
8           (E)    All Dispositive Motions shall be filed, served, and noticed by 8-3-12;  
9           (F)    Oppositions to all dispositive motions due 08-17-12;  
10          (G)    Replies to oppositions to all dispositive motions due 08-24-12;  
11          (H)    The Court shall hear dispositive motions no later than 9-7-12 at Courtroom 10, 19<sup>th</sup> Floor,  
12 Federal Building, 450 Golden Gate Avenue, S.F., CA 94102;

13          2.     The parties were further referred to mediation on August 10, 2011 and were ordered to  
14 complete the mediation session in the 1<sup>st</sup> half of December, 2011. The parties were assigned to mediator  
15 Stephen L. Schirle and agreed to schedule mediation for December 6, 2011.

16          3.     Plaintiff's counsel was subsequently scheduled for trial in another matter beginning  
17 December 6, 2011, and requested a new date be set for mediation.

18          4.     Moreover, plaintiff's counsel has informed defendants that plaintiff WHITTEN has  
19 relocated to Washington D.C., and therefore has been unavailable for deposition. The parties are  
20 attempting to schedule plaintiff's deposition to take place before the end of the year. Plaintiff's deposition  
21 is critical to defendants' evaluation of the case, and a meaningful mediation cannot occur absent that  
22 deposition.

23          5.     Additionally, defendants propounded written discovery on plaintiff's on September 27,  
24 2011. Responses were due October 31, 2011. To date, no responses have been received. Responses to  
25 the written discovery may result in the need for further discovery and the issuance of medical subpoenas.

26          6.     For all the good cause reasons stated above, the parties respectfully request this Court  
27 extend the parties deadline to complete mediation until February 17, 2012, so that the parties can  
28 complete necessary discovery.

7. The parties' request for extension of the mediation compliance deadline should not interfere with the presently scheduled pretrial and trial dates set by the Court. The parties have submitted no prior stipulations to alter any deadlines set by the Court.

8. The parties respectfully request that the Court approve this stipulation and incorporate its terms in an Order.

**IT IS SO STIPULATED.**

LAW OFFICES OF JOHN L. BURRIS

Dated: November 7, 2011

By: /s/ John L. Burris  
John L. Burris, Esq.  
Attorneys for Plaintiff  
DONOVAN WHITTEN

BERTRAND, FOX & ELLIOT

Dated: November 7, 2011

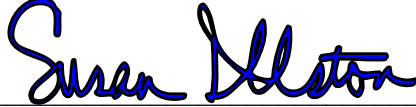
By: /s/ Michael C. Wenzel  
Thomas F. Bertrand  
Richard W. Osman  
Michael C. Wenzel  
Attorneys for Defendants  
COUNTY OF ALAMEDA, J. MALIZIA,  
S. TYRRELL and D. TEICHERA

**ORDER**

GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to same, the parties' stipulation is hereby APPROVED. The deadline for the parties to complete mediation shall be continued until February 17, 2012.

**IT IS SO ORDERED.**

DATED: 11/7/11

  
HONORABLE SUSAN ILLSTON  
United States District Judge